

Danner, Ward

From: jendenicola@gmail.com
Sent: Tuesday, May 13, 2014 12:48 PM
To: Blumenfeld, Jared
Cc: Scott, Jeff; Huetteman, Tom; Armann, Steve; Santos, Carmen; Wilson, Patrick; Tom Cota; Maria Gillette; Miriam.ingenito@dtsc.ca.gov
Subject: Protect our children at Malibu High, rid the school of PCBs.

Dear Mr Jared Blumenfeld:

We have not met yet, but I have had the pleasure of meeting and speaking to much of your Region 9 team concerning the PCB issue at Malibu High School (MHS) and I have appreciated our open and honest dialog. I hope that one day soon, I will get the opportunity to meet you in person, as well.

I met with Senator Boxer's office last week and they suggested asking you to come to Malibu and do a site visit with us. This PCB issue is not a new one, but it is the first in California and is gaining national attention. While the enormity of this issue may seem overwhelming at times, I strongly believe that if we face it head on with precautionary principals at the forefront, we can find a solution to rid our schools of PCB sources and in the long run protect many generations of children from the carcinogenic exposure from PCBs. Malibu is just an example of what is about to come down the pipeline from other schools and I hoped that Malibu could have been a good example of how this can be handled in other schools.

I do not know if you are aware of this, but our community non-profit hired an independent expert to oversee this situation. Our hope is to work collaboratively with Environs and the government agencies to ensure transparency and proper handling of this investigation and remediation. We submitted comments to your office today. I received confirmation from Jeff Scott and Steve Armann that the EPA received them.

This Environ plan is inadequate in many ways but especially from a human health standpoint and a TSCA violation clean-up. Your agency is tasked with enforcing the TSCA law as congress passed it. This law must be enforced equally among any violators be that schools or industry.

The mission of EPA is to protect human health and the environment.

EPA's purpose is to ensure that:

- all Americans are protected from significant risks to human health and the environment where they live, learn and work;
- national efforts to reduce environmental risk are based on the best available scientific information;
- federal laws protecting human health and the environment are enforced fairly and effectively;

These are the expectations set forth by the EPA to your citizens. We are counting on your agency to act with care and precaution when it comes to the health and environment to which our children are exposed.

I had some dialog with Steve Armann, please see our email chain below, regarding the Environ plan and the need for a site PEA. Steve indicates the EPA does not need a plan to clean up TSCA violations. Yet our school's building materials have not been characterized yet to know where all of the TSCA violations are. Up to now, we

just did a random preliminary test and found 5 of the 10 rooms tested triggered TSCA. A PEA is a standard requirement of an investigation and one has not been done on the Malibu 3-school campus (serving elementary thru 12th grade). If Steve does not plan on testing any more caulk or building materials to find the PCBs in our school, I guess we would not need a PEA. But since the EPA policy written all over your website recommends suspected material be tested, I think we need a PEA so that we know what we should be testing. It was conveyed to me by Carman Santos that once we found PCB's that exceed 50ppm, all like-caulk, like-building materials, like-building structures, built in the same timeframe are suspect and can be assumed to contain PCBs. In addition, all secondary sources become part of the EPA's jurisdiction under the violation.

EPA recommends that caulk suspected to contain PCBs be tested directly for the presence of PCBs and removed if PCBs are present at significant levels. (<http://www.epa.gov/pcbsincaulk/>)

The EPA either needs to act as if these other rooms are in violation based on the initial screening done at Malibu High School (MHS) or they need to require immediate source testing of every potential PCB source, as stated very clearly on the EPA website. What the EPA cannot do is ignore the fact that these rooms are a suspected violation and encourage schools to not test sources to avoid triggering TSCA, especially since 50ppm is a regulatory number and is NOT protective of humans. Dr. Paul Rosenfeld, a PCB Superfund and TSCA remediation expert, has stated that Region 9 officials instructed him and the district to not test any more caulking or dust so that the school does not trigger further TSCA violations. The attorney for Pillsbury, representing the district, said in a meeting in December 2013, that there are ways around TSCA, when referring to not removing PCBs. None of this is appropriate. This is not just about regulation, this is about the EPA's mission to protect human health and the environment. The research done in the past 35 years, since TSCA was passed, has found more links to health hazards. PCBs have been classified as group 1 carcinogens (IARC) and harmful to human health, even at very low levels. This is in addition to the additive and cumulative effects of PCBs and other chemical contaminants. PCBs are not getting safer to keep in our environment. In fact the more we learn about them the more they are connected and contributing to countless health hazards.

As I have stated many times, PCB's do not exist in a vacuum and the EPA should not be evaluating PCB's as a sole contaminant to determine safety and health for our children and teachers. The EPA was quoted yet again in this week's Malibu newspaper that our schools are "safe." The EPA does not have enough testing data to evaluate cumulative risk, let alone state it is safe. The EPA is doing a disservice to our community and to its own scientific credibility by making generalized statements about safety without a complete and accurate assessment. This statement should be retracted immediately. Even the EPA's acceptable range for PCBs should be questioned based on the EPA's own scientists' research on PCBs that claim their research to be "uncertain" and insufficient to know inhalation action levels. There is no price tag to put on children's health; no cost analysis vs health risk that would get public approval.

In fact, the EPA in Sweden has taken the approach that any PCB's found in any building materials is a health risk/hazard and is being removed. This is the type of forward thinking and precautionary principals necessary to protect children, our most sensitive population. The USEPA should be at minimum following Sweden's lead when it comes to children in schools.

EPA's own scientists and experts do not believe we should be leaving PCB's in schools at any level. Here is a quote from your EPA toxicologist, Dr. Genience Lehmann, during an EPA conference on the health effects of PCBs, "We know less than we'd like to about dose response in terms of inhalation, but we know enough about PCBs to know that inhaling them is probably not good. So I think that leaving them in place is probably not the course that we (the EPA) want to follow." She goes on to say, "right now we have identified a level that we say with uncertainty that we expect to be safe based on oral exposure studies but we would be able to have a lot more confidence in that data from inhalation studies." The EPA does not have enough data to consider any

inhalation of PCB's by children or adults and say with any certainty that it is safe, yet this is in fact what the EPA is doing.

Dr. Johansson of the Swedish EPA adds, "I would certainly not recommend to leave PCBs in these buildings (schools) because clearly not only do they contaminate the indoor air, but PCBs are escaping into the environment. Prolong(ing) the exposure that we all have from PCBs. The important thing is that when it comes to human health risk assessment (it can) not (be) based on the one exposure; not be based on the indoor air or inhalation (only) but because we are all exposed to contaminated food on top of air, (dust, soil, etc) that (risk) accumulates and we have different patterns for the composition of PCB's that we could all be exposed to."

Finally, from my understanding, the EPA has given a grant to the University of Iowa to study PCB's. I have spoken to a few of these scientists. Dr Ludwig states, "PCB -52, -28,-101-110, those are more of the neurotoxicity ones and honestly when I see that there is PCB 95 (in schools) and that there is a correlation to autism and Parkinson's... I think we have to learn much more before we can make an informed decision (about the health consequences of PCB's), meantime we should just err on the side of caution and ...remove the sources where possible and try and be as vigilant as possible." Dr. Ludewig continues to say that," so when we can remove an exposure somewhere or lower it, we should do that."

Jared, I plead with you to listen to your own experts, the academic scientists and Medical Experts of our Universities, and other International Agencies, etc. that all conclude that PCBs should not remain in our schools at any level. This is clearly the only way to protect our children's future health, who will be the leaders of tomorrow. We know enough today that PCB exposure causes health issues ranging from lower IQs to cancer. Future research will only make more connections to specific health issues. The EPA cannot justify that inhalation and dust are the only exposure pathways to be concerned about and the EPA's chosen policy of air testing only and Best Management Practices (BMP), which is a glorified cleaning program, will clearly not reduce or remove PCB exposure. The only clear way to protect children and adults from PCB's carcinogenic impact is to remove them wherever we can from our environment, especially our schools!

The Environ Plan has so many flaws but most importantly it is not protective of our children's health. It documents protecting workers' health but never mentions the children and teachers that are in those classrooms everyday without protective gear. There is no mention of air cleaners or a clean environment while we are waiting for the EPA and the district to act. Encapsulation has proven to not be effective and yet this is Environ's solution to PCBs at our school. The EPA suggested BMP cleaning 167 days ago to reduce exposure. Whether it works or not, cleaning is a good idea, but Malibu schools have not implemented any BMP cleaning and our schools are dirtier than they were when region 9 came to tour. So for 6 months the EPA has allowed PCB exposure to continue for our children and our teachers and has done nothing to protect them or make this situation any better. Many people have joked with me and said," I bet if we took all this dust and dirt and contaminated building materials and dumped it in the EPA office or the district office, it would all be cleaned up by now." I usually laugh at this image, but they are probably right.

Please reject Environ's plan and force them to investigate the 3 school campuses, characterize all the building materials and test the sources, then and only then will we know what needs to be removed and how to best protect our children and teachers. Time is of the essence. We need you to act swiftly and with great care for our children and our teachers.

Warm Regards,

Jennifer DeNicola
Malibu Unites
310-848-5400

Sent from my iPhone

Begin forwarded message:

From: Kurt Fehling <kfehling@thefehlinggroup.com>

Date: May 12, 2014 at 10:17:49 AM PDT

To: "jen@malibuunites.com" <jen@malibuunites.com>

Subject: RE: Comments

I am glad to hear that USEPA has received our comments and hope that they find them helpful. With respect to Mr. Armann's comment on the CSM below, we do in fact understand the scope of work that they will be implementing. However, we maintain that it is strictly focused on removal of caulk and mastics greater than 50ppm. Our comments were focused on the protection of human health. We applaud the removal of these TSCA violating materials but urge the USEPA to consider human health impacts in addition to these efforts; hence, our comments towards developing a CSM so that there is an understanding of all sources and potential pathways of exposure. It appears that USEPA's is assuming that the caulk and mastic are the only source which we fear may not be true.

Feel free to forward my email directly.

Kurt A. Fehling
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From: jen@malibuunites.com [<mailto:jen@malibuunites.com>]

Sent: Monday, May 12, 2014 9:13 AM

To: Kurt Fehling

Subject: Fwd: Comments

FYI: any response?

Jennifer

Sent from my iPhone

Begin forwarded message:

From: "Armann, Steve" <Armann.Steve@epa.gov>
Date: May 12, 2014 at 8:17:11 AM PDT
To: "jen@malibuunites.com" <jen@malibuunites.com>
Subject: RE: Comments

Yes. I just took a very quick look at them this morning. We will take a much closer look in the next few days; however, from reading his first few comments, he doesn't seem to understand the necessary scope of a cleanup plan to remove unauthorized bulk product under TSCA. He seems to have approached the issue as a traditional environmental investigation. As an example, we don't need a CSM for the purpose of cleaning up caulk with known concentrations greater than 50 ppm.

Anyway, thanks for the comments. My plan is to get comments back to the District by Friday or early next week. Of course that could change depending upon other commitments.

Thanks.

Steven S. Armann, Manager
Corrective Action Office (LND-4-1)
USEPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Phone: 415-972-3352
Fax: 415-947-3533
Email: armann.steve@epa.gov

-----Original Message-----

From: jen@malibuunites.com [<mailto:jen@malibuunites.com>]
Sent: Monday, May 12, 2014 7:32 AM
To: Armann, Steve
Subject: Re: Comments

Dear Steve,

Did you receive the comments from Kurt Fehling Group that would've come with a letter from PEER.

Thank you,
Jennifer DeNicola
Malibu Unites

Sent from my iPhone

On May 12, 2014, at 7:13 AM, "Armann, Steve" <Armann.Steve@epa.gov> wrote:

Jennifer, we did get PEERS comments. Thanks.

Steven S. Armann, Manager
Corrective Action Office (LND-4-1)
USEPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Phone: 415-972-3352

Fax: 415-947-3533

Email: armann.steve@epa.gov

-----Original Message-----

From: jen@malibuunites.com [<mailto:jen@malibuunites.com>]

Sent: Friday, May 09, 2014 5:15 PM

To: Armann, Steve

Cc: Santos, Carmen; Scott, Jeff; Blumenfeld, Jared; Wilson, Patrick; Huetteman, Tom

Subject: Comments

Dear Steve,

I hope you received my messages this past week as I understand the EPA is in the middle of an office move. I hope you are all holding up well, moving is always a bigger job than anticipated.

Our expert was in town to speak to the board of education, DTSC and Environ on Wednesday. You can watch this special board meeting when it is posted to SMMUSD.org website.

Our expert, Kurt Fehling, comments were sent via PEER to all interested parties earlier today. Would you please confirm receipt by replying to this email?

I hope the EPA stands firm on enforcing TSCA law and is extremely precautionary with our children and our teachers health.

Thank you Steve for your cooperation.

Sincerely,
Jennifer DeNicola
Malibu Unites, President

310-848-5400

Sent from my iPhone